



human rights *first*

THE NEW NAME OF

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Dear Member of Congress:

I write to express the strong opposition of Human Rights First (formerly the Lawyers Committee for Human Rights) to Sections 101, 103, and 104 of the *REAL ID Act* (H.R.418). For twenty-five years, our organization has provided *pro bono* legal representation to refugees who seek asylum in this country. These refugees have fled religious and political persecution, rape and gender-based violence, torture, and other brutal human rights abuses. They have been targeted because they are peaceful political dissidents, journalists, members of minority ethnic groups, parents who resisted coercive population control measures, and members of persecuted religions.

Based on these years of experience in helping refugees to meet the already stringent standards of U.S. asylum law, we oppose these sections because they would have a devastating impact on legitimate asylum seekers who seek refuge in this country. This bill will make it much harder for refugees to get asylum in this country -- and could lead to their deportation into the hands of their persecutors.

Human Rights First opposes Section 101 for the following specific reasons:

- It allows refugees who *testify credibly* to be denied asylum if they are unable to track down evidence to corroborate that credible testimony;
- It requires a refugee to prove her persecutor's "central" reasons for harming her - essentially penalizing a refugee who cannot prove with unrealistic precision the various motives of her persecutors; and
- It gives an immigration officer or immigration judge broad leeway to deny a refugee asylum based on her perceived "demeanor" and alleged "statements" taken in unreliable circumstances.

Refugees often flee for their lives in situations that do not allow them to gather "corroborating evidence" and it is often impossible for them to subsequently track down these kinds of documents -- especially if they are detained, lacking in financial resources, or concerned for the safety of their family back home who would have to assist them in gathering documentary support from the persecuting regime. Section 101 seeks to overturn not only decisions of *several different* Federal Circuit Courts, but also the precedent of the Board of Immigration Appeals.

Section 101 would place an enormous and unnecessary burden on asylum seekers by requiring them to prove with unrealistic precision what is going on in their persecutors' minds, and would overturn existing law which already requires a refugee to prove that his persecutor is motivated entirely or in part by race, religion, nationality, social group membership, or political opinion.

The bill's provisions on determining credibility also ignore the fact that refugees who suffer from the after-effects of torture and trauma -- including survivors of rape or forced abortions -- may appear lacking in emotion or have difficulty making eye contact, making "demeanor" a particularly poor indicator of credibility for those asylum seekers. The brunt of these provisions would, as a result, fall on the most vulnerable of refugees.

The law's existing definitions of "terrorism" and "terrorist activity" have been interpreted so broadly that victims of extortion by terrorist or militant groups are already being denied asylum in the United States. Sections 103 and 104 would broaden inadmissibility, deportability, and exclusion from asylum to allow even the wives and children of such victims of terrorism to be deported or barred from refugee protection. These provisions would also make deportable and ineligible for refugee protection anyone who "espoused" virtually any use of arms that would be unlawful in the country where it would be committed. As a result, these provisions could allow the deportation of a Cuban resident in the U.S. who, frustrated at the Castro regime's jailing of political dissidents, publicly complains that only the armed overthrow of Castro will bring change in Cuba.

Anyone who engages in terrorist activity is already inadmissible, deportable, and barred from asylum under U.S. law. The law specifically bars from asylum anyone who is or may reasonably be considered a danger to the security of the United States, anyone who has been convicted of committing a serious crime, as well as anyone who prepares or plans terrorist activity, anyone who gathers information on potential targets for terrorist activity, anyone who solicits funds for terrorist activity, and anyone who provides material support to anyone who has committed or plans to commit a terrorist act.

The proponents of this legislation argue that it is needed to ensure the safety and security of the American people. We share that critical objective, but firmly reject their misguided approach. These provisions will not advance that objective, but will harm the victims of human rights abuses, torture, and religious and political persecution who seek the protection of this country. We urge you to ensure that this country's tradition of protecting the persecuted is upheld.

Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read 'EAC', with a stylized, flowing script.

Eleanor Acer
Director, Asylum Program
Human Rights First